

KAMALA D. HARRIS  
 Attorney General of California  
 DAMON G. MCCLAIN  
 Supervising Deputy Attorney General  
 SHARON A. GARSKE (State Bar No. 215167)  
 Deputy Attorney General  
 455 Golden Gate Avenue, Suite 11000  
 San Francisco, CA 94102-7004  
 Telephone: (415) 703-1179  
 Fax: (415) 703-5843  
 E-mail: Sharon.Garske@doj.ca.gov  
 VIRGINIA I. PAPAN (State Bar No. 143659)  
 Deputy Attorney General  
 Telephone: (415) 703-5956  
 E-mail: Gina.Papan@doj.ca.gov  
*Attorneys for Defendants Holmes, Bullock,  
 Buchanan, and Kiplinger*

STEPHEN J. AKERLEY (State Bar No. 160757)  
 TINA P. SORIANO (State Bar No. 254777)  
 HEIDI A. GUETSCHOW (State Bar No. 257900)  
 BO "BRYAN" JIN (State Bar No. 278990)  
 Dechert LLP  
 2440 W. El Camino Real, Suite 700  
 Mountain View, California 94040-1499  
 Telephone: (650) 813-4800  
 Fax: (650) 813-4848  
 E-mail: stephen.akerley@dechert.com  
 E-mail: tina.soriano@dechert.com  
 E-mail: heidi.guetschow@dechert.com  
 E-mail: bryan.jin@dechert.com  
*Attorneys for Plaintiff Earl Young*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

**EARL YOUNG,**

Plaintiff,

**v.**

**T. HOLMES, et al.,**

Defendants.

C 09-1042 JSW

**STIPULATION REGARDING  
 PLAINTIFF'S WAIVER OF APPEAL,  
 DEFENDANTS' WAIVER OF COSTS,  
 THE PARTIES' WAIVER OR  
 WITHDRAWAL OF POST-TRIAL  
 MOTIONS, DEFENDANTS' RENEWED  
 MOTION TO SEAL CONFIDENTIAL  
 EXHIBITS; & ~~PROPOSED~~ ORDER]**  
 AS MODIFIED HEREIN

1 Plaintiff Young and Defendants Holmes, Bullock, Buchanan, and Kiplinger (“Parties”),  
2 through their undersigned counsel, stipulate to the following:

3 1. Plaintiff Earl Young waives his rights to (1) appeal the Judgment entered on April  
4 29, 2013 and (2) file post-judgment motions in this case.

5 2. Additionally, Plaintiff agrees to support Defendants’ renewed motion to seal trial  
6 exhibits 10, 108, 133, 134, and 135. These exhibits—namely, diagrams, schematics, layouts, and  
7 a video of Pelican Bay State Prison’s interior—were protected from public disclosure by the  
8 stipulated March 20, 2012 protective order to ensure Defendants’ compelling interest in  
9 maintaining the safety and security of the institution, inmates and correctional staff. (ECF No.  
10 112.)

11 3. Defendants agree to file a renewed motion to seal trial exhibits 10, 108, 133, 134,  
12 and 135 within thirty-days of the Court’s order regarding this stipulation.

13 4. In exchange for the above considerations, Defendants waive costs and thus  
14 withdraw their Bill of Costs filed on May 9, 2013 (ECF No. 267).

15 5. Defendants’ Motion for Judgment as A Matter of Law under Federal Rule of Civil  
16 Procedure 50 (ECF No. 250) is moot in view of the Parties’ above stipulations.

17 The parties so stipulate.  
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1 Dated: June 13, 2013

Respectfully submitted,

2 /s/ BRYAN JIN

3 STEPHEN J. AKERLEY  
4 TINA P. SORIANO  
5 HEIDI A. GUETSCHOW  
6 BO "BRYAN" JIN  
7 Dechert LLP

*Attorneys for Plaintiff Young*  
Respectfully submitted,

8 Dated: June 13, 2013

9 KAMALA D. HARRIS  
10 Attorney General of California  
11 DAMON G. MCCLAIN  
12 Supervising Deputy Attorney General

/s/ VIRGINIA I. PAPAN

13 VIRGINIA I. PAPAN  
14 SHARON A. GARSKE  
15 Deputy Attorney General  
16 *Attorneys for Defendants*  
17 *Holmes, Buchanan, Bullock, and Kiplinger*

18 The Court notes that the mere fact that Plaintiff does not oppose sealing of the trial exhibits shall not be  
19 a basis to grant any renewed motion to seal. Any such motion must be supported by legal authority with  
20 respect to Defendants' stated position and should also explain why sealing is appropriate given that the  
21 exhibits were introduced during trial in the course of public proceedings.

22 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED,  
23 This Order terminates Docket No. 250, Defendants' motion for judgment as a matter of law.

24 Dated: June 17, 2013

25   
26 HON. JEFFREY S. WHITE  
27 UNITED STATES DISTRICT JUDGE